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"Perpetual Vigilance is the Price of Liberty," for "Power is always Stealing from the Many to the Few."

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ABSTRACT OF MR. CLAY'S SPEECH, Delivered in the U. S. Senate, on the 5th and 6th of February, 1850.

Mr. CLAY said he never rose to address the Senate with more intense feeling than on the present occasion. He had witnessed many seasons of great peril and danger in the history of the country, but he never before rose to address the Senate when there was such extreme solicitude, fear and anxiety felt by the country in the issue of the great events now transpiring. He did not think it would be out of place to do that in the Senate which he had never ceased to do in his own chamber—that is, to invoke the Supreme Arbiter, who holds in his hand the destinies of nations, to calm the passions of men and the violence of party; to allow reason to resume her empire; and to bestow on him the smiles of approval, and the strength and ability to perform the task before him. He had witnessed other periods when the events of the day caused the greatest anxiety throughout the country; and in all these, as well as the present, he had no doubt, were to trace the cause of the danger, peril and alarm to its true source, he would find it party spirit.—Parties, in order to gain a triumph for themselves over their opponents, seized upon every subject that presented itself to make capital of, and to increase their own numbers.—Two Senators had told them that both of the two political parties of the country, at the north, actuated by such spirit, had endeavored and were endeavoring to outdo each other to obtain the votes of a small third party called Abolitionists, in order to swell their respective numbers. Nor was this confined to the people at large. In the legislative halls of the country the same party spirit overrules all other considerations. The House of Representatives had spent one whole week in a fruitless attempt to elect a door-keeper. And what was the question which prevented the election of a door-keeper? It was not the fitness or the qualifications of the men; but the question was, whether the door-keeper to be chosen belonged to this or that party, or whether his views and sentiments of political questions were of one or of another school. He did not allude to this subject by way of reproaching any for what had been done, but by way of illustrating to what lengths and extremes this party spirit is carried; and he hoped that something would be done to check it in its onward progress.

What vicissitudes we pass through in this short career of life! Eight years ago he took leave of the Senate as he thought forever.—And, if his own inclinations, his own desires, hopes, and anticipations be allowed to enjoy the few remaining years of life in the quiet seclusion of retired life had been consulted, that would have been his last appearance in the Senate. But the Legislature of his State, unheeded by him, had thought proper to confer upon him again the honor of being their representative here, and he did not feel at liberty to refuse it. He came, however, to the Senate to serve no party, nor with any personal or private ends, now or hereafter, to accomplish. And, if there was in the Senate, or out of the Senate, any man engaged in the race after high honors or position, let that man rest assured that he would never be justified by him (Mr. C.) in that race. When his term of service in the Senate was ended, his mission in this life, so far as relates to public affairs, would be closed, and closed forever.

It was impossible for any candid observer of passing events not to see that the spirit of party, and the promotion and elevation of particular individuals to high places and distinctions, were now the absorbing principles of men. At this time, when the White House is in danger of being wrapt in the flames of destruction and ruin, men were engaged in talking about who shall be its next occupant.—When an alarming cry was taken place, and the waters of destruction are fast pouring upon us, we are talking about who shall rule over the country about to be inundated. The whole subject that seemed to attract the attention of men was party, party, passion, passion, and intemperance of spirit. Was this the way to save the country from the impending danger? Within this Capitol and in the States there were twenty furnaces all burning and sending forth the heat of passion and party spirit. A few months ago there was peace and tranquility. Now there was danger and peril and even menaces against the Union. He implored Senators to look at these things; to quell the fires of passion now raging, and to listen to the voice of reason. He did not suppose what he could say would produce such an effect, but he begged them to listen to the voice of their own reason, judgment, and good sense, as to what can be done for the good of the country.

To this subject he had directed all his efforts; with such a view he had in a manner cut himself off from all social enjoyments since his arrival in this city, and devoted all his time, labor, and abilities, to the formation of some plan whereby, once more, peace, concord, and harmony, could be restored to the country. He had submitted that plan to the Senate. He did not hope that it could be successful, but he trusted that if Senators found in it anything objectionable, or that could or ought to be amended, they would endeavor to improve, alter, and amend it, and no vengeance against it or attempt to destroy it. Let them examine it carefully, and calmly. If they discovered any thing in it susceptible of improvement, let them improve it, and restore peace, harmony, and happiness to the country.

In forming this plan, he had thought it should embrace all the subjects upon which

there was difficulty, thinking there could be no use in settling one part, and leaving others open, but that all should be settled at one time. He also thought that he should prepare a scheme that both classes of States—free States and slave States—could adopt without any sacrifice of principle. These series of resolutions propose a plan whereby all this is done.

He saw one section of the States of the country pushing their measures to an alarming and dangerous extreme; he saw the other section preparing to extend their measures to another and equally dangerous extremity; and he thought that he should prepare a plan that would stop this peril, and afford a ground on which both sections could unite without the sacrifice of any principle, but at the sacrifice of a little feeling only. He believed that his resolutions accomplished this end.—He believed that, in all concessions by one section, they should receive a compensation; and by a careful and calm consideration of the resolutions this would appear to be carried out.

In the first resolution it was said that California should be admitted into the Union with out any provision either prohibiting or admitting slavery. But gentlemen from the South say, that in this the North get all they want—that slavery is already prohibited there, and that the ends and purposes of the free States have been accomplished. This is true. But by whom has it been done? Has it been done by Congress, or by any act of the Government? No, but by the people of California themselves; and is it not the doctrine of all parties that the people of every State should be left free either to admit or prohibit slavery, as they should deem proper? The question involved in the admission of Missouri was whether, after a State had formed a constitution, and was organized a State of the Union, Congress had power to control the action of that State on the subject of slavery? Those of the South who favored her admission into the Union held the doctrine that once a State, she stood alone her peers equal in all respects to them, and that her rights and powers over that subject were as clear and unquestionable as any one of the thirteen original States; and that Congress had no authority or power to control her action in the least respect.

He thought that the friends of the Wilmot Proviso should be well satisfied with the declaration, and with what had taken place in California. They should remember that if the Wilmot Proviso was enacted, its operation would cease when the State was formed.—There was now in one who would contend for a moment that if the States formed out of the Northern Territory, and to whom had been applied the ordinance of 1787—Illinois, Ohio, Indiana, and others—chose to alter their constitutions, and permit slavery to exist within their limits, they had not as much right and power to do so as had Virginia within her limits.

No one would contend that the exclusion of slavery by the people of California was the act of Congress, or of the Government of the United States, but it was a decision of the question by the people of California, by California herself, who alone had the right to decide it. The second resolution of the series was an important one, and he begged gentlemen to look at it calmly. He was aware, when he prepared it, of the perseverance with which the Wilmot Proviso was pressed by the North; he was aware that every free State had expressed an opinion in its favor, and had instructed its representatives in Congress to secure its adoption; he was aware that the northern people considered it as a favorite measure, and had set their hearts on it. He was aware that, by asking them to vote for this resolution, he called upon them to abandon the Wilmot Proviso, to give it up, to open their eyes to the danger to the country in pressing it when there was no necessity what ever for it.

In thus calling upon them to abandon their favorite measure, he offered them the assertion, in his resolution, of two clear and indisputable truths. They were: First, That slavery does not exist in any part of the territories acquired from Mexico; and secondly, that, in his opinion, slavery never will exist in any portion of it.

He had heard it stated that the assertion of these truths by Congress was equal to the enactment of the Wilmot Proviso. He did not think it was. If the Wilmot Proviso be passed by Congress, there is a solemn enactment, and it is a positive interdiction of slavery there; but, by this assertion we say nothing more than that at the present time it does not exist there, and that, in our opinion, it never will.

He hoped that the free States would be satisfied with this expression of opinion, and not require any enactment on the subject. This resolution would have been more acceptable to him without the assertion of these two truths than with them, but he had thought that something should be given as a compensation for the surrender and compromise of feeling on this point.

He had no desire to make a speech on each of the resolutions, but would detain the Senate for a while in the examination of the first, that slavery does not exist in any of the Territories acquired by Mexico, he would refer to the act of 1824, by the supreme government of Mexico, whereby slavery was abolished in that nation, and the general acquiescence of all the States of Mexico in that abolition of slavery, down to the time of the treaty ceding those Territories to the United States. This act of the government of Mexico was said to have been irregular, and not binding; but it was not our province—a for-

eign power—to inquire into the validity of the municipal acts of any government, particularly when the people of Mexico had acquiesced in it.

Mr. C. also read extracts from the correspondence of Mr. Trist with the government on this point. The discussions in a former occasion, when this territory was first ceded, had left the general impression that slavery was not in existence in Mexico or those territories prior to their cession to the U. S. Nor could he account for its existence there now, unless at the moment the treaty of cession was concluded the constitution was extended over every part of the territory and took slavery with it.

Such doctrine was wholly irreconcilable with his views and feelings. There was at the time that treaty fifteen free and fifteen slave States in the Union; the institutions of both were recognized by the Constitution.—How could it be possible that the Constitution, in extending over these territories, could carry the principle of slavery, and could not carry the principles of freedom established in one half of the Union? By the law of Mexico, there was no slavery in these territories at the time of the cession; and as no action had been taken to induce it there, he thought he had sufficient reason to say it did not exist there now.

The question of slavery was divisible into two branches: slavery in the States, and slavery without the States. Congress have no powers over slavery in the States, except the three particulars mentioned in the Constitution. That is, the power to regulate representation, the power to levy a tax, and the power relative to fugitive slaves. Beyond this, Congress had no power over slavery in the States.

If Congress were called upon to overturn the institution of slavery in the States, and such a measure was seriously thought of, then his voice would be for war. Then a case would be presented where it would be justifiable in the sight of God and of nations, to resist the oppression. They would then be acting in self defence; and the slave States would then be justifiable in resisting the act by every means within their power; and, in a civil war in such a case, they would have the sympathy and support of every man who loved justice and right.

France had engaged in a war to propagate the rights of man, and her fate was well known. If we should engage in a civil war about the introduction of slavery into territories where it does not exist, what a spectacle would be presented to the world! It would not be a war to propagate the rights of man. Our British ancestors were blamed, and justly, for introducing into our midst this institution; and, for one, would never vote for its introduction anywhere, where the people did not desire it.

The question of slavery without the limits of the States was a debatable one. Slavery within the States was undebatable. On the question of slavery without the States there was room for a difference of opinion as would lead to the breaking up of this Government.

He differed widely from his friend from Michigan (Mr. Cass) as to the binding authority of decisions of the Supreme Court, and elementary writers on the Constitution. He regarded, that when a constitutional question was once decided by competent authority, it was settled. Otherwise there was nothing settled under the Constitution, but all was unsettled.

He put it to gentlemen to say if there was not an actual existing power somewhere to introduce or exclude slavery from the Territories. If so, where was the power? Before the treaty with Mexico that power was vested in Mexico, she having then the territory and the sovereignty over it. Mexico parted with the territory and the sovereignty to the U. S. States, and now the U. S. States have all the powers and sovereignty possessed by Mexico before the treaty. The power does or does not exist. And, if it exists, the U. S. States have all the powers possessed by Mexico, under the limitations of the Constitution.

There was no power given to Congress in express terms by the Constitution over the subject of slavery, but there was no power given in express terms over an infinite variety of other subjects which were acted upon every day. It was an incidental power. Where there was a power to acquire, there followed a power to control. He willingly admitted that Congress had the power to introduce slavery into the Territories, the powers of introduction and exclusion went together.

As to the second truth, that slavery was not likely to exist in any part of the Territories, he had a few words only to say. California, by her own action, had excluded slavery forever from her limits; and there, if any where in the Territories, it was most likely that slavery would have found a foothold; and, if slavery is not permitted there, where else in the Territories was it likely to be introduced? In the cold and mountainous districts, the climate and the soil forbid its introduction.—Then it was a truth that slavery was not likely to exist in any part of the Territories.—All knew this to be the fact; then why should there be any hesitation in declaring it?

In the free States where the Wilmot Proviso was first agitated, the people there were about to be acquired, and the people there were laboring under the apprehension that slavery would likely be extended to those Territories, and, under this apprehension, instructed their representatives to vote against it. But there is now no cause for any such apprehension.—If the representatives from those States could have held intercourse with their constituents since the fact of California's action has become known, and could have pointed out to them the danger of pressing this Proviso, when

all they wanted would result as well without its enactment as with it, these constituents would tell them to forbear; to cease pressing the Wilmot Proviso, and relieve the country from danger. They would tell them to come here and quietly settle all the difficulties that now threaten the Union.

Mr. C. then proceeded to the examination of the third and fourth resolutions, proposing certain boundaries for Texas, and to pay the debts of Texas, for which the duties on her imports were pledged while she was a republic. He held that the United States had no power to divide or cut off any portion of that or any other State; but in all questions of unsettled boundaries the United States had the power to settle them. The boundaries of Texas had never been positively determined, and the United States had the power to do so now. Moreover, it was proposed to pay her debts; and this was proposed as a compromise, in the hope that that State would agree to the settlement of all the difficulties, and restore peace and harmony to the country.

On Wednesday—
Mr. CLAY said that if any person came there with any expectation of hearing him make any display, they would be greatly disappointed; his own health, the season of the year, as well as the season of his own life, all admonished him to say only so much as was necessary to the explanation and support of the measure under consideration.

The fourth resolution was under his consideration, when he closed yesterday. After a further brief explanation of it, he proceeded to the consideration of the fifth resolution.

This resolution was, that it is inexpedient to abolish slavery in the District of Columbia, without the consent of that State, Maryland, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

An objection was made on the occasion of the presentation of the resolutions, by a Senator, to the recognition by this resolution of a power in Congress to abolish slavery in this District. He had never doubted this power to exist in Congress. He did not believe that any one could doubt that power who would calmly examine the subject.

The Constitution declares Congress shall have power "to exercise exclusive legislation in all cases whatsoever over such district as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States."—What language can be conceived more comprehensive than the words "exclusive legislative power in all cases whatsoever?"—Suppose slavery was abolished in Maryland and Virginia, and in all the other States of this Union, then would there be any power to abolish it here? If so, where would that power be? Or was slavery to abide in this District for all eternity? Maryland had no power over this District. The other slave-holding powers had no such authority. The power then must be in Congress. He had expressed similar views in 1838 on this subject.

In 1838 he thought Congress had the power, but should not exercise it without the consent of Maryland, Virginia, the people of the District, and without compensation to the owners. Since then that part of the District ceded by Virginia had been retroceded to her, and her consent was not now necessary, she not being more interested than any other slave State. He had held then, as he held now, that while Congress had the power, it ought not to be exercised, for Maryland and Virginia in granting the District, did so under an implied promise that slavery should not be touched therein without their consent.

This District was ceded by Virginia and Maryland, and accepted by the United States, to be the seat of government; and to make it the seat of Government should be the leading idea in all our legislation for it; and hence it is inexpedient to abolish slavery here without the desire of the people and the assent of Maryland.

After the adoption of the constitution, Maryland and Virginia, in a feeling of fraternal peace and happiness which then prevailed over the Union, generously ceded to the United States this District; but in doing so, they never thought that Congress should make it a thorn in their side by abolishing slavery here. He thought, in 1838, and he believed now, that the Congress of the United States, as an honorable body, could not interfere with slavery in the District without a violation of all those implied agreements with Maryland and Virginia, which, to honorable men, were as binding as if contained in the Constitution in express terms. The resolution does not admit or deny that Congress has the power to abolish slavery in this District. It is silent. The resolution in substance provides that Maryland shall first release the United States from all those implied obligations; and, if she does not, one obstacle in the way is removed. There were other obstacles to the abolition of slavery here.—One was, that the consent of the people of this District should first be obtained.

The people of this District were in an anomalous condition. They are a people governed by an arbitrary power. They are taxed and governed by an authority in which they have no voice. Arbitrary power he defined to be an authority exercised by a power in which the people over whom it is exercised have no representative. Congress, having this arbitrary power, should never exercise it in a manner harsh or unkind. The consent of the people should first be obtained. The resolution did not stop here. It provides for another thing. There should be a just compensation to the owners of slaves for their property. Congress should be restrained by every motive of public policy and

every principle of eternal justice from depriving the people of the District of their property without making just compensation. England and France, when they abolished slavery in their possessions, did not do so without compensating the owners for their property; and these countries were not bound by any written or unwritten obligation to pay, but there was that obligation which all nations recognize, the obligation of eternal justice. The provision in the Constitution which says that all private property taken for the use of the Government must be paid for, did not literally authorize this appropriation of public money, but by a liberal interpretation of the clause, would make it that property taken for the use or at the instance of the government, would authorize the payment for the slaves.

He said yesterday that there was none of the resolutions which did not provide for mutual concessions, or which did not concede to the South without any compensation to the North. The North contends, and he thought correctly, that Congress has the power to abolish slavery in the District. The South denies this power. The North concedes, by this resolution, that it is inexpedient, and unwise and agrees that slavery here shall be co-existent with slavery in the States; but this concession was made in consideration of the assertion that it was expedient to abolish the slave trade in this District. The right and the power to do this he thought unquestionable. By an amendment to the Constitution, it was provided, that all powers not granted expressly to Congress were reserved to the States and to the people. This was applicable to the powers of Congress over the people of the several States. But in regard to this District, he considered the reverse was the law. Over this District Congress had the same powers which the States had over all within their own limits, and Congress had all powers over this District not expressly prohibited by the Constitution.—There was no State but what had acted upon the subject of the slave trade. The adoption of this resolution he did not think would be a concession by either class of States, but would be as acceptable to one as to the other. But in these days of continual alarm, every night when he went to bed and on rising in the morning, he apprehended new dangers and difficulties. But he had witnessed proceedings in another State, where it was declared that if the slave trade were abolished in this District it would be a sufficient cause for a southern convention, which is the same thing as considering the expediency of dissolving the Union. To what a degree of folly and extravagance passion will lead men!

He had been always ready to abolish the slave trade in this District. Why should the traders in this kind of merchandise come to this place from other States, and shock the feelings of men, by marching long trains and corteges of manacled human beings on the avenue? Adopt this resolution, and the other healing measures proposed, and there will be restored to the country that peace and harmony which have not been known for thirty years.

The seventh resolution relates to the surrender of fugitive slaves. On this subject he would go as far as the farthest in carrying out the enforcement of the Constitution. It was a requirement of the Constitution; and every State, and every State officer, and every man in the Union, was bound to aid in its execution. It was a provision of the Constitution which every citizen was bound to observe; every man holding an office took an oath to support the constitution, and was bound to aid in the restoration of a fugitive slave. No man was bound to make a tour of his State to hunt up fugitives, but all persons present at the arrest of a fugitive slave are bound to assist the master in capturing him—that is if any man is bound to aid in the execution of the laws of the country.

It was ungentlemanly and unkind, that a slaveholder cannot travel through the free States with his servants without having them taken forcibly from him. Heretofore there were acts in force in free States, in behalf of slaveholders, but, with the exception of Rhode Island and New Jersey, these acts had been swept away. The seduction of slaves from their owners in many instances resulted unhappily for the slave; he knew several instances—one in his own family—when, after dwelling awhile in freedom, they have begged to be allowed to return. He hoped that it would therefore be considered by the free States their duty to adopt laws for the enforcement of this part of the Constitution.

It was wrong, also, to hold States responsible, as States, for the acts of a few persons only; and he never could conceive that the conduct pursued by northern persons to masters in pursuit of their slaves would be a sufficient cause for dissolving the Union.

The eighth resolution is in these words: That Congress has no power to prohibit or obstruct the trade in slaves between the slave holding States; but that the admission or exclusion of slaves brought from one into another of them, depends exclusively upon their own particular laws.

The Supreme Court had already decided this subject, and, he hoped, decided it forever. Such was the series of resolutions which he had prepared, with a view to offer the olive branch to the discordant and warring spirits of the day. He was not at all attached to his own productions, and would willingly consent to their improvement. He put it to the candour of gentlemen to say, if their duty would be performed by limiting their action to the objection in this or that particular point. Let them produce their plans, and let them all see if anything better can be adopted. Present him with such a scheme, and he

would hail it with pleasure, and adopt it with delight.

When preparing this plan the Missouri compromise was suggested to his mind, and after considering it, he had rejected it as being less worthy of mutual approbation than the plan proposed. His agency in the establishment of the Missouri line of 36° 30' had been greatly exaggerated. He had been wonderfully surprised at the rapidity with which historical events are forgotten. He was not, as had been said, the author of that compromise line. He was not even a member of the House in which it originated.

At the first session at which a bill was introduced to admit Missouri, the bill failed—the House insisting on engraving the proviso of the ordinance of 1787, and the Senate dissenting. At the next session, Maine was knocking for admission. The Senate coupled the two States together in one bill, and said if you do not admit Missouri we will not admit Maine. This was done by a decided majority. The bill went through all the stages of conference before it was settled, and then it was settled by dis-connecting the two States. And then it was that Mr. Thomas, a Senator from Illinois, proposed the line of 36° 30', and so it passed, and so it went to Missouri, and for a while quieted the country. By a reference to the journals it appears that in every instance this line of 36° 30' was offered by Mr. Thomas.

The line of 36° 30' was voted for by a majority of the Senators from the South, among whom were Mr. Pickens, of Maryland, and Mr. King, of Alabama. In the House the majority of the Southern members, headed by Mr. Lowndes, voted for it. He believed he did too.

At the next session it was discovered that Missouri had inadvertently introduced into her constitution an interdiction of free colored people, and when the constitution came to Congress the country was in an uproar. Legislative bodies had taken action to keep out Missouri because of this interdiction. He did not come to Washington that year until near January, and, with a view to settlement, he asked a committee of thirteen to be appointed from the old thirteen States, and that committee reported a resolution, which was defeated by three southern votes. The matter then lay over. He believed he could have carried any thing, as there was a majority in Congress in favor of settling the difficulty; but there were not enough of Curtises and Leondeses willing to sacrifice themselves for the country.

He then proposed a joint committee, that of the House to consist of twenty three members to be chosen by ballot—for Mr. Taylor was Speaker, and it was Mr. Taylor who had proposed this proviso on all occasions—and on the first ballot eighteen of the twenty-three persons nominated by him as members of the committee were chosen. The remaining five were then chosen. Much to his regret, some of these declined, and Mr. Randolph was appointed on the committee. The two committees met in the Senate chamber on the Sabbath, and but a few days before the adjournment of Congress, and, after a consultation, adopted a resolution submitted by him. That resolution was reported to both Houses, and became the law.

And what was it? It was a mere resolution, declaring, as a great fundamental principle, that the Constitution of the United States was the paramount law of the land, and that all State constitutions and laws were of no effect if in conflict with the Constitution of the United States. That if there were anything in the constitution of Missouri in conflict with the Constitution of the United States, Missouri shall, by some solemn act of her legislature, suspend its operation; and that upon such act of Missouri being communicated to the President, (Mr. Monroe), the President shall issue his proclamation, and Missouri shall then be admitted into the Union. This was the compromise. All parties were satisfied with the assertion of an incontestible principle of law, couched in rather high sounding words, meaning nothing.

The enactment of the line of 36° 30' would be an interdiction of slavery north of that line. Will the South be satisfied with this? The Senator from Mississippi (Mr. Davis) has said he will accept nothing short of a recognition of the right to hold slaves south of that line, which proposition could not command over twenty votes in the Senate. Is not non-action by Congress the best policy? It is better to have non-action than legislation, interdicting slavery north of 36° 30', and no recognition of it south of that line.

No earthly power could make him vote to introduce slavery south of 36° 30'; but if a majority decided that slavery should be interdicted north, and recognised south of that line, which would be but equal justice, however much it would conflict with his principles and feelings, he would be the last to propose any obstacle to its adoption. But non-action by Congress, as he proposed, was the best policy. It had been said that non-action secured everything the North demanded; and who was to blame for this? Not Congress.

If the people of California thought proper to exclude slavery, that was their own business, and a policy they had a right to adopt. If nature had rendered the soil of the rest of that territory unfit for slavery to exist there, there was none to be reproached save nature and nature's God.

Mr. C. then traced the history of this nation from its foundation to the present day; its vast increase in population and in territory; the glorious manner in which it had prosecuted several wars, and the brilliant renown it had gained through the gallantry, skill and achievements of its officers. The events of the late war, and the conduct of the two great